

Burgos, Alexander N

Subject: FW: [External] RE: Board of Podiatry Examiners-Request for Technical Changes

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, March 6, 2024 1:30 PM
To: tsteadman@firstpointresources.com; reed.fountain@youngmoorelaw.com
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Board of Podiatry Examiners-Request for Technical Changes

Tracy,

Thank you for the revisions and your prompt reply.

In .208, (a) line 7, please make sure a period is after “practices.” I’m satisfied with your responses to my revision requests.

Please submit the revised rules via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).

In the future, please incorporate your responses to the revision requests into the Request for Changes document.

Thank you.

Travis

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: Board of Podiatry Examiners-Request for Technical Changes
Attachments: 21 NCAC 52 0208.docx; 21 NCAC 52 0613.docx

From: Tracy Steadman <tsteadman@FirstPointResources.com>
Sent: Wednesday, March 6, 2024 12:46 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; reed.fountain@youngmoorelaw.com
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: Board of Podiatry Examiners-Request for Technical Changes

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Good afternoon,

Attached please find the revisions and I have noted my responses to each revision request or question below:

RULE CITATION: 21 NCAC 52 .0208

In (a), line 4, is the word “additional” necessary? Consider deleting.

Response: Edited as requested

Also, line 4, how does the regulated public provide “certification to the Board?”

Response: By submitting copies of the Continuing Education Certificate(s).

In (a), line 5, which “General Statutes?”

Response: Added G.S. 202.11

In (a), line 6, add “of continuing education” after “hours.”

Response: Edited as requested

In lines 6-7, it’s not clear if 1 hour is required for controlled substances prescribing practices and 1 hour of controlled substances prescribing for chronic pain management or 1 hour total for both. Please redraft for clarity.

Response: Edited as requested

In (b), line 8, should “CME” be spelled out before only using the acronym?

Response: Edited as requested

In (b), line 11, consider replacing “that” with “if.” In line 12, consider replacing “of” with “from.”

Response: Edited as requested

In (b), line 16, consider replacing “updates” with “subsequent amendments and editions” to track the language used in 150B-21.6.

Response: Edited as requested

In (b), lines 16-17, add commas after “writing” and after “documentation.”

Response: Edited as requested

In (b)(3), line 22, add a period after “system.”

Response: Edited as requested

In (c)(1), line 6, add “G.S.” before “90-202.11.”

Response: Edited as requested

In (c)(1), lines 6-7, consider changing “a listing of individuals attending its CME events and credits earned” to “a list of individuals who attended its CME events and earned credits.”

Response: Edited as requested

In (c)(4), line 15, delete “either.”

Response: Edited as requested

In (c)(5), lines 20-21, consider adding a comma after “States” and after “abroad.”

Response: Edited as requested

In History Notes, how does G.S. 90-202.4 (g) grant authority for this rule?

Response: G.S. 202.4(g) grants general rule making power and when read in combination with G.S. 202.11 allows for rulemaking as to Continuing Education.

“Amended Eff. March 1, 2024” is not accurate.”

Response: Removed

21 NCAC 52 .0613

In (8), line 13, delete “the” before “fee.”

Response: Edited as requested

In (8), lines 13-14, consider changing the second sentence to “The returned check fee is \$12.00.” Everything in the rule is to be effective on the same date.

Response: Edited as requested

Please let me know if you have any questions.

Thank you,

Tracy

Tracy Steadman (she/her/hers)

Executive Secretary | **North Carolina Board of Podiatry Examiners**

www.ncbpe.org | 3739 National Dr, Ste 202 | Raleigh, NC 27612

Phone 919.861.5583 | Fax 919.787.4916 | info@ncbpe.org



21 NCAC 52.0208 is amended with changes as published in Volume 37:21 NCR 2045 as follows:

21 NCAC 52 .0208 CONTINUING EDUCATION

(a) ~~An additional~~ A requirement for issuance of the annual renewal certificate shall be certification to the Board of proof of compliance with the continuing education provisions of ~~the General Statutes~~ G.S. 202.11.

The Board shall notify all podiatrists that 25 hours of continuing education are required annually, including one hour of controlled substances prescribing practices ~~and controlled substance prescribing for chronic pain management.~~

(b) General CME policy - 25 hours per year as follows:

(1) Completion of 25 hours of Continuing Medical Education (CME) is required per year (July 1-June 30) for renewal of licensure. CME credits shall not be carried over from the previous licensure year.

(2) It shall be the responsibility of the individual podiatrist to ascertain in advance ~~that if~~ the courses he or she attends have received proper approval ~~from~~ of the certifying organizations, and comply with the *Standards, Requirements, and Guidelines for Approval of Sponsors of Continuing Education in Podiatric Medicine* of the Council on Podiatric Medical Education (<http://www.cpme.org/education/content.cfm?ItemNumber=2440&navItemNumber0=2249>), including ~~updates~~ subsequent amendments and editions. The website may be accessed at no charge. The Board shall respond in writing, within 45 days of receipt by the Board of all needed documentation, with approval or denial to individuals requesting approval of CME courses and credit hours. Decisions by the Board are the final agency decision and may be appealed as set out in G.S. 150B-23.

(3) Certificates of completion of courses other than those sponsored by the NC Foot and Ankle Society (NCF&AS) shall be submitted to the Board online using the Board's contracted electronic continuing education tracking system. ~~a CE Broker account which can be established at www.cebroker.com and that submission shall be on or before the submission of~~ on a form provided by the Board with the podiatrist's annual license renewal documents. Completion certificates shall be typed and contain the following information:

(A) Podiatrist's name;

(B) Course name, location, and date;

(C) Number of hours CME completed;

(D) Signature of seminar chairperson; and

(E) Name of certifying or sponsoring agency; ~~and~~

~~(F) Confirmation that the Course was either held in person or was synchronous virtual learning.~~

(4) A licensed podiatrist participating in the second or third year of a medical residency or fellowship may submit a letter signed by the podiatric residency or fellowship director stating the podiatrist's name and dates of residency. This shall substitute for the 25-credit hour requirement and CME certificate required by this Rule.

1 ~~(5) A podiatrist may submit his or her CME certificate(s) to the Board in facsimile, electronic, or hard~~
2 ~~copy format at any time during the renewal year.~~

3 ~~(5)(6)~~ The Board shall retain access to the CME documentation with the individual podiatrist's license
4 renewal information.

5 (c) Category 1: Minimum requirement 20 hours per year, as follows:

6 (1) CME credit shall be granted for attendance at educational seminars offered by the North Carolina
7 Foot & Ankle Society (NCF&AS). ~~NCF&AS.~~ The number of qualifying hours of continuing
8 education shall be determined and approved by the Board in advance based on the standards in G.S.
9 90-202.11. NCF&AS shall submit to the Board ~~a listing of individuals attending its CME events~~
10 ~~and credits earned a list of individuals who attended its CME events and earned credits.~~

11 (2) CME credit shall be granted for attendance at educational seminars offered by other national, state,
12 and podiatric education providers, as certified by the Council on Podiatric Medical Education
13 (CPME) of the American Podiatric Medical Association (APMA). The number of qualifying hours
14 of continuing education shall be determined and approved by the Board.

15 (3) Lecturers shall be granted one hour of credit for each hour of CPME- or APMA- approved lectures
16 given, but such credit shall be limited to one hour for each discrete topic. A brief summary of the
17 content of each lecture shall be submitted to the Board for approval.

18 (4) Category 1 is limited to live in person or live synchronous virtual educational seminars ~~either~~ offered
19 by NCF&AS or by sponsors pre-approved by CPME:
20 <http://www.cpme.org> (CPME 700: "Approved Sponsors of Continuing Education in Podiatry").
21 (APMA or CPME-approved online or journal courses are considered Category 2.)

22 (5) Since CPME evaluates only CME conducted in the United States, North Carolina-licensed
23 podiatrists practicing outside the United States, or participating in a foreign fellowship or other
24 short-term residency abroad may apply to the Board, to have their continuing medical education
25 credits from their country of practice considered and evaluated by the Board on an individual basis.

26 (d) Category 2: A maximum of only 5 of the total 25 CME hours per year shall be allowed as follows:

27 (1) CME credit shall be allowed for educational programs approved for Category 1 credit by the
28 American Medical Association (AMA) and the American Osteopathic Association (AOA) or their
29 affiliated organizations.

30 (2) CME credit shall be allowed for courses approved by North Carolina Area Health Education Centers
31 (AHEC).

32 (3) Online or medical journal courses approved by CPME are permitted.

33 (4) For courses not pre-approved by AHEC, AOA, or AMA, all requests for CME approval must
34 contain a timeline and course description and be submitted to the Board for approval.

35 (e) Waiver for Certified Illness, Medical Condition, Natural Disaster, or Undue Hardship. The Board may waive the
36 continuing education requirement for license renewal in the following cases that preclude a licensed podiatrist from

1 completing his or her CME requirement within the 18-month timeframe from July 1 of the year of the last license or
2 renewal issuance through December 31 of the following year:

- 3 (1) An unexpected illness or medical condition certified by a letter from a licensed physician, nurse
4 practitioner (NP), or physician assistant (PA) regarding the licensee or the licensee's parents, spouse,
5 children and other persons dependent upon the podiatrist for daily living supports; or
- 6 (2) An undue hardship (such as active military service or natural disaster).

7 In such cases, the Board shall issue a conditional license predicated on the licensee acquiring all of the required
8 continuing education credits in a mutually-agreeable timeframe, but no later than 24 months after December 31 of the
9 year following the latest year of license or renewal issuance. Requests for CME waiver shall be received by the Board
10 before the end of the grace period deadline for license renewal. The Board may require additional information when
11 necessary to confirm the need for exemption to support the licensee's claim. The Board shall notify the licensee of its
12 decision in writing within 45 days of receipt by the Board of all needed documentation.

13
14 *History Note: Authority G.S. 90-202.4(g); 90-202.11; S.L. 2015-241, s. 12F.16(b) and (c);*
15 *Eff. February 1, 1976;*
16 *Amended Eff. June 1, 2013; October 1, 2012; February 1, 2012; November 1, 2011; June 1, 2011;*
17 *December 1, 1988;*
18 *Readopted Eff. March 1, 2016.*
19

21 NCAC 52 .0613 is amended as published in 38:01 NCR 23 as follows:

21 NCAC 52 .0613 FEE SCHEDULE

The following fees shall apply:

- (1) Application for examination (non-refundable) ~~\$300.00~~ \$350.00
- (2) Examination (non-refundable) ~~\$50.00~~ \$100.00
- (3) Re-Examination ~~(application + exam fee, non-refundable)~~ \$350.00
- (4) License certificate \$100.00
- (5) Annual License Renewal \$200.00
- (6) License Renewal Late Fee (per month, up to 6 months) \$25.00
- (7) Data Processing Fee for Pharmaceutical Verification as set forth in Rule .0210 of this Chapter \$300.00
- (8) Returned check ~~the fee as set forth in Rule .0612 of this Section. As of the effective date of this Rule that fee is \$12.00~~ The returned check fee is \$12.00.
- (9) Incorporation for PA/PC/PLLC \$50.00
- (10) Annual Corporate Renewal \$25.00
- (11) Corporate Renewal Late Fee \$10.00

History Note: Authority G.S. 90-202.5(a); 90-202.6(c); 90-202.9; 90-202.10; 55B-10; 55B-11; 55B-12; 150B-19(5)(e); Eff. April 1, 2013; Readopted Eff. September 1, 2016.

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Monday, March 4, 2024 11:43 AM
To: info@ncbpe.org; reed.fountain@youngmoorelaw.com
Cc: Burgos, Alexander N
Subject: Board of Podiatry Examiners-Request for Technical Changes
Attachments: 3.2024 Board of Podiatry Examiners RTC.docx

Good morning,

I'm the attorney who reviewed the Rules submitted by the Board of Podiatry Examiners for the March 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Wednesday, March 27, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rules and forms to me via email, no later than 5 p.m. on March 18, 2024.

Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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